

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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MITCHELL TISCHAUSER, DELOS W. LUEDTKE,  
PADEN ROTHENBERGER, DUSTIN J. DEMITRIOU,  
and RONDA DEMITRIOU,

Plaintiffs,

Case Nos. 20-C-1291, 20-C-1917  
21-C-220, 21-C-965

v.

DONNELLY TRANSPORTATION INC., et al.,

Defendants.

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**ORDER**

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Plaintiffs in this consolidated case brought this action against Defendants for injuries sustained in a January 24, 2020 collision involving a semi-tractor and an automobile on U.S. Highway 45 in Caledonia, Wisconsin. On March 1, 2023, Defendant Sysco Corporation filed a combined motion and brief to dismiss, Dkt. No. 142. That motion has been fully briefed. More than three weeks later, on March 23, 2023, Defendant Mode Transportation, LLC e-filed a “Brief in Support . . . re 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM” which document is actually entitled “Brief in Support of Combined Motion to Dismiss Plaintiffs’ Complaints” and outlines its request for relief. The document was not designated as a “motion” when e-filed. Because the brief filed by Defendant Mode Transportation was improperly linked to Sysco Corporation’s previously-filed motion, Dkt. No. 142, the time to respond under the local rules is unclear.

Plaintiffs have now moved for an extension of time (Dkt. No. 161) to respond to Docket No. 157, which this court concludes is a separate motion to dismiss unrelated to Defendant Sysco

Corporation's motion to dismiss, Dkt. No. 142. Plaintiff's motion for an extension of time to April 27, 2023 to respond to Mode Transportation's motion to dismiss is granted.

In order to clean up the confusion on the docket, the Clerk is directed to designate Dkt. No. 157 as a *combined motion and brief*, reflect it as an active motion, and remove the link to Dkt. No. 142 within the docket entry. Plaintiff's motion, Dkt. No. 161, to extend to April 27, 2023 their time to respond to Mode Transportation's motion to dismiss is GRANTED.

Dated at Green Bay, Wisconsin this 10th day of April, 2023.

s/ William C. Griesbach  
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William C. Griesbach  
United States District Judge